

Minutes Formal City Council Meeting June 28, 2007

Minutes of the Formal Council Meeting of Thursday, June 28, 2007, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman

Vice Mayor Hut Hutson

Councilmember P Ben Arredondo

Councilmember Barbara J. Carter

Councilmember Shana Ellis

Councilmember Mark W. Mitchell

Councilmember Onnie Shekerjian

Mayor Hallman called the meeting to order at 8:05 p.m.

1. Councilmember Arredondo gave the invocation.
2. Scouts from Troop 697 and Troop 778 led the audience in the **Pledge of Allegiance**.

3. MINUTES

A. Approval of Council Meeting Minutes

Motion by Councilmember Carter to approve the following **COUNCIL MEETING MINUTES**.
Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.

1. Council's Executive Session – May 31 & June 14, 2007
- 1a. Council's Issue Review Session – May 31, 2007 [20070628clrkck05.pdf](#)
2. Council's Formal Meeting – May 31, 2007 [20070628clrkck03.pdf](#)
3. Council's Special Budget Meeting – May 31 & June 14, 2007 [20070628clrkck02.pdf](#)
[20070628clrkck04.pdf](#)
4. Council's Special Meeting – May 31, 2007 [20070628clrkck01.pdf](#)
5. Community Facilities District Board Meeting – May 31, 2007 [20070628cfd01.pdf](#)
6. Council's Arts & Community Services Committee – May 16, 2007
[20070628acsc01.pdf](#)
7. Council's Education & Technology Advancement Committee – May 1, 2007
[20070628etac01.pdf](#)
8. Council's Tourism & Amateur Sports Committee – April 11 & May 9, 2007
[20070628tasc01.pdf](#) [20070628tasc02.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

Motion by Councilmember Carter to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Shekerjian. Motion passed unanimously on a voice vote.

9. Aviation Commission – April 10, 2007 [20070628tavco01.pdf](#)
10. Board of Adjustment – April 25, 2007 [20070628boa01.pdf](#)
11. Commission on Disability Concerns – March 20 & April 17, 2007
[20070628cdc01.pdf](#) [20070628cdc02.pdf](#)
12. Committee for Youth, Families & Community – May 21, 2007 [20070628cyfc01.pdf](#)
13. Community Special Events Task Force – June 5 & 19, 2007 [20070628setf01.pdf](#)
[20070628setf02.pdf](#)
- 13a. Development Review Commission – May 8, 2007 [20070628drc01.pdf](#)
14. Double Butte Cemetery Advisory Committee – March 21, 2007 [20070628prsw01.pdf](#)
15. Hearing Officer - May 15, 2007 [20070628ho01.pdf](#)
16. Historic Preservation Commission – May 10, 2007 [20070628hpc01.pdf](#)
17. Merit System Board – May 21, 2007 [20070628msb01.pdf](#)
18. Municipal Arts Commission – May 9, 2007 [20070628mac01.pdf](#)
19. Rio Salado Advisory Commission – March 27 & April 24, 2007
[20070628rsac01.pdf](#) [20070628rsac02.pdf](#)
20. Tempe Police Public Safety Personnel Retirement Board – May 3, 2007
21. Tempe Sports Authority – April 17 & May 23, 2007 [20070628tsa01.pdf](#)
[20070628tsa02.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman asked for a motion to approve the **Boards and Commissions** selections for June 28, 2007, as presented.

Motion by Vice Mayor Hutson for approval of the **Boards and Commissions** selections. Second by Councilmember Mitchell. Motion passed unanimously on a voice vote.

- Mayor Hallman honored **Phoenix Fire Captain Billy Shields** with a proclamation commending his loyalty and service to the community for three decades and dedicating June 30, 2007, as "Billy Shields Lifetime of Service Recognition Day in Tempe, Arizona." He also presented Captain Shields with a plaque from the City in honor of his lifetime of public service dedicated to Tempe and the neighboring communities.

B. Manager's Announcements – None.

5. AGENDA

All items in these minutes identified with an asterisk (*) are **public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

Motion by Councilmember Shekerjian to approve the Agenda as amended (Items #27, #29, #30, #52, #63, #66, #70, #71, #76, #77, #78, #79, #80, #81, #82, #83, #84, #86, #89, #91 and #92 were removed for separate consideration). Second by Vice Mayor Hutson. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

22. Approved the Report of Claims Paid to be filed for audit for May 13 through June 9, 2007.
COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.
23. Approved request for the Mayor to appoint members to fill Board and Commission vacancies.
DOCUMENT NAME: [20070628boards.pdf](#) **BDS, COMMISSIONS, COMMITTEES ADM (0102-01)**
24. Approved **Contract #2002-136A**, a five-year lease extension between the City of Tempe and the Foundation for Senior Living (FSAL) for the property at 2303 East Maryland Drive.
DOCUMENT NAME: [20070628csjt01.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**
25. Approved **Contract #2007-105**, the Community School Facilities Contract Use Agreement and Addendum between the Kyrene School District No. 28 and the City of Tempe for the before school, after school and summer facilities for the Kid Zone Enrichment Program for the 2007-2008 fiscal year.
DOCUMENT NAME: [20070628csjt02.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**
26. Authorized the Mayor to execute **Contract #2007-106**, the Acknowledgement and Waiver of Potential Conflict of Interest in the Targosz v. City of Tempe, et al., lawsuit.
DOCUMENT NAME: [20070628cacc02.pdf](#) **CITY ATTORNEY ADMINISTRATION (0501-03)**
27. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved the City-sponsored community special events for fiscal year 2007/2008.
COMMENTS: As recommended by the Sponsorship Review Committee. Total recommended allocations are \$53,250 in both cash and in-kind sponsorship.

Councilmember Ellis declared a conflict of interest.

Motion by Vice Mayor Hutson for approval of Item #27. Second by Councilmember Arredondo. Motion passed on a roll call vote, 6-0, with Councilmember Ellis abstaining.

DOCUMENT NAME: [20070628prkb01.pdf](#) **RECREATION ADM-POLICIES
(0707-01)**

28. Authorized the Mayor to execute **Contract #2007-107**, a license agreement between AT&T Corporation and the City of Tempe for the continued use of the city's rights-of-way to provide interstate telecommunication services.

DOCUMENT NAME: [20070628ITD01.pdf](#) **AT&T (0802-32)**

- *29. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.***

Held a public hearing and **denied an appeal** of the May 8, 2007, Development Review Commission decision to approve the Use Permit and Development Plan Review for the Circle K at 507 West Broadway Road.

COMMENTS: Appeal by Olivia Aranki, appealer, of the May 8, 2007 Development Review Commission decision to approve the request by the CIRCLE K (PL060709/UPA07004/DPA07002) (Glenn Smigiel, SAY Investments, L.L.C., owner; David Cisiewski, M.D. Partners, L.L.C., applicant) located at 507 West Broadway Road, consisting of a +/- 4,500 s.f. convenience store with fuel dispensers on +/- 1.55 net acres in the General Industrial District, including the following:

ZUP07036 – Use Permit to allow a convenience store and fuel distribution station in the General Industrial District.

DPR07054 – Development Plan Review including site plan, building elevations, and landscape plan.

Olivia Aranki, appellant, presented signatures from the neighborhood in opposition to the project.

Linda Moore, Tempe, taught in Tempe for 35 years. There are two Circle K gas stations within one mile of that area, one on Priest and Broadway and one on Hardy and Broadway, plus one on Mill and Southern, and one that is not a gas station at Southern and Hardy, one at Hardy and University, and one at Maple/Ash and University. She would prefer her children to use the Quik Mart, a family-owned convenience store where they are able to use the "honor system." Circle K won't do that. There is no need for another gas station in that area. This project is applying for a liquor license and the Walgreen's at Mill and Broadway chose to discontinue selling alcohol because of the Tempe High students, thefts, and under-aged individuals trying to buy alcohol, and it is silly to put this back in front of the students. With this location not more than 100 feet from the railroad tracks, it is too dangerous. The building at this site could be put to better use.

(No name) What kind of message would we give about the kind of community we want if we added another Circle K in this area? Circle K does not represent what this community at Broadway, Farmer and Mill is. He does not feel safe at Circle K, he doesn't feel they have respected the community, and they don't demonstrate

cleanliness. The most recent shooting happened at a Circle K.

Lindsay Dallas, Tempe, is employed at the Quik Mart across the street. Circle K has so much violence, they don't use discretion in hiring, and people don't want to go into the stores. This would bring more traffic to the area. She presented more signatures in opposition to the project.

David Cisiewski, M.D. Partners, L.L.C., on behalf of Circle K, 11811 North Tatum, Phoenix. Having gone through the public posting process, he was taken aback at the Development Review Commission (DRC) hearing to learn of concern about this development. When Ms. Aranki appeared at the DRC hearing, they took her comments under advisement, reviewed the letter, examined the petition signatures, etc. In terms of the issues raised by the appellant, competition seems to be a large issue. He understands the forces of competition, but competition is not within the purview of a land use argument. Competition is the root of our economy. Other issues involve potential crime being brought to the area. This area has its fair share of crime. This facility was reviewed by the Tempe Police Department in terms of design, characteristics, processes and procedures that have and will be implemented. They have worked with the Tempe Police Department to implement their crime prevention report and their recommendations. In terms of site design elements, there will be 8-foot screen walls around the building, along with an 8-foot high wrought iron fence along the borders. The area behind the store is obstructed from view by the store, so the entire area will be fenced. There will be video surveillance both inside and outside of the store. The City Traffic Engineer verified that the site involves a "drive-by" use. The facility is sited at this location because of the density and traffic on Broadway. The curb cuts will limit the access and the City Traffic Engineer determined that this facility will not increase the traffic along Broadway Road. In terms of standards and applicability of this property, the property is zoned GID, the proposed use is an allowed use under the GID, and the General Plan 2030 shows this property as a commercial use. It is currently an abandoned building, and the proposed plan brings this property back into the community. Circle K has been acquired by a large parent corporation and that corporation has embarked on investing hundreds of millions of dollars in re-branding the corporation. This facility is a flagship store in Tempe and it puts the property back into the community, generates sales tax revenue, and generates new jobs.

Councilmember Shekerjian asked for clarification that this development meets the General Plan 2030 projected land use for the site, the development will meet the standards required under the Zoning and Development Code, and there is no significant traffic impact to the area due to the addition of this business.

Mr. Cisiewski concurred.

Councilmember Arredondo asked staff to verify that staff supports this development.

Lisa Collins verified that staff has spoken with the Traffic Engineer and with the Police Department and staff is in support of the use permit and the development plan.

Councilmember Carter asked for verification that this went through the Development Review Commission and asked what the vote was.

Ms. Collins responded that the vote was 7-0.

Mayor Hallman asked the appellant if her address at 606 W. Broadway Road is the Quik Mart and whether that was her business.

Ms. Aranki verified that her business is a small convenience store.

The public hearing was closed.

Motion by Councilmember Ellis to deny the appeal and approve the project. Second by Councilmember Shekerjian. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20070628dskko01.pdf](#) PLANNED DEVELOPMENT
(0406)

*30. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Held a public hearing and **approved with conditions** an **appeal** of the May 22, 2007, Development Review Commission decision to uphold the Hearing Officer's decision of April 3, 2007, to deny the request for one (1) use permit for the Messer Residence located at 1929 East Meadow Drive.

COMMENTS: Appeal by Barbara Messer, applicant/property owner, (PL070084/UPA07003) of the May 22, 2007, Development Review Commission decision to uphold the Hearing Officer's decision of April 3, 2007, to deny the request for:

ZUP07028 - Use permit to allow an RV/boat to be parked in the front yard setback.

Barbara Messer, appellant, stated that during the Development Review Commission hearing, staff touched briefly on options to store the boat within applicant's back yard. Her front yard is hilly. She would have to remove the entire front side of the block wall, and remove three trees, including the large tree which shades her driveway and the boat. If it was approached from the alley, it would be the same situation. Parking the boat in the back yard, therefore, is not feasible. She is adamant about shade for the boat. She has had the boat there for five years, and for the first few years the Town Lake was open, she had the boat in a storage lot in the sun and it damaged the tarp that covers the boat and it burned out four batteries. Having it in her driveway in the shade has been beneficial to the boat. The DRC suggested investigating off-site storage. She did that, but none is available with a covered parking space and over half of the storage lots had no access for electrical hook-ups. The boat runs on batteries and they need to be plugged in for charging. The report states that there was a petition containing 19 signatures of neighbors. There were actually 26 signatures, and instead of two letters of support, there were three letters. Two of her neighbors appeared at the hearing on her behalf. Tempe is concerned about their neighborhoods, but the question is how to define a neighborhood. It could be a one block street with no cars on the street or driveways, beautifully manicured lawns, no decorations, and no solar panels, or it could be another one block street, where the homes are older, smaller, many cars in the driveways and in the streets, kids playing, with families socializing and interacting. Where she lives, the neighborhood is one block long and it dead-ends on both ends. There are 22 houses on the street, built in 1968 and 1969. Of those homes, 8 are still the original owners. Two of the other owners bought those homes when

the homes were one year old. Three of the houses are now on their second owners, three on their third, and one on its fourth. This is a neighborhood that Tempe can be proud of.

Lisa Collins, verified that the Development Review Commission (DRC) heard this case because it was appealed from the Hearing Officer's decision to deny the request. The DRC also denied the request with a 4-3 vote. Staff's recommendation at those hearings was for approval. After the hearings and after re-accessing policy documents in the General Plan, staff changed their recommendation. This appeal, however, is not about the staff's recommendation, but rather an appeal of the DRC's decision to uphold the Hearing Officer's decision of denial. Staff is recommending that the DRC's decision be upheld by the City Council.

Councilmember Shekerjian cited page "G1" and asked if it was provided by applicant.

Ms. Collins responded that it was provided by the applicant to show the level of support in the neighborhood.

Councilmember Shekerjian asked the applicant how many houses are vacant and for rent.

Ms. Messer responded that there is one house for rent.

Councilmember Shekerjian asked what is located across the street from her house.

Ms. Messer responded that the property is owned by a person who owns two Tempe businesses. She is never at the house. Ms. Messer has not found anyone in the neighborhood who is opposed to the boat in the driveway.

Councilmember Arredondo stated that this is not an issue.

Vice Mayor Hutson agreed.

Councilmember Carter asked if Council grants a use permit at this house, does Council run the risk at any point in time with setting precedence for anyone else.

City Attorney Andrew Ching responded that it wouldn't be an issue in a legal sense.

Councilmember Shekerjian clarified that if this was approved, staff and the DRC would still be at liberty to deny something else that would possibly not be appropriate.

Mr. Ching concurred. Each appeal that comes to Council is judged on its own merits.

PUBLIC HEARING

Ann Hill, Tempe, lives on the east side of Ms. Messer. The boat is not a problem. The yard and the boat are well maintained.

Rick Black, Tempe, owns a home one block south on Meadow on Loma Vista Drive. He is in opposition of

parking the boat in the front yard setback. If Council votes in favor of this, how could Council reject someone else coming with the same request? As a resident, his concern is that if Council permits this, it clutters the street. As a property owner, he hopes this would not happen. Affordable storage units are available.

The public hearing was closed.

Motion by Vice Mayor Hutson for the approval of the appeal and that the use permit be issued to Barbara Messer at that address and with that boat registration. Second by Councilmember Arredondo.

Mayor Hallman summarized that the use permit would be issued specifically and individually to Barbara Messer, that it would apply only to this specific address, and that it apply only to this specific boat and that it apply only as long as the property is well maintained. If at any time the permit does not meet the criteria Council has established, staff would bring it back to Council for revocation.

Councilmember Ellis asked for clarification that there is no time frame associated with this so long as those conditions are met.

Ms. Collins responded that Council could add a time stipulation, but there is none because the request was denied by the Hearing Officer.

Mayor Hallman added that since it is specific to Ms. Messer, he felt it would be sufficient that she would honor the need to keep the boat and her property in a well-maintained condition.

Mayor Hallman added that the only reason he would consider doing this is because Tempe is about neighborhoods and the people who live in them. Council's job and the laws we make are supposed to be about the people who live here and to enhance their quality of life. When a chart that identifies every property on the street in support, with the exception of one vacant property, that is a fairly unusual condition. Use permits are included in City code precisely to allow Council to make exceptions where appropriate on a case-by-case basis. Since Ms. Messer has gone through the process of seeking a use permit and has gone through three hearings suggests that this is a matter of importance to her and a matter of quality of life for her neighbors. In his view, it is a fairly difficult standard to meet.

Motion as amended was accepted by Vice Mayor Hutson and Councilmember Arredondo. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20070628dssa01.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

31. Approved **with condition** a Condominium Plat for RAVENWOOD at 647 W Baseline Road.

COMMENTS: (PL060527) (Jennifer Ruby, Engle Homes, property owner / Adam Rauscher, Optimus Civil Engineering, applicant) located at 647 West Baseline Road, in the R-3, Multi-family Residential District, including the following:

SBD06011 – Condominium Plat for 240 residential units on 25.44 net acres.

The following condition was also approved:

1. The Plat for Ravenwood shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department prior to issuance of any occupancy permits. Failure to record the plan within one year of Council approval shall make the plan null and void.

DOCUMENT NAME: [20070628dsdk01.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

32. Approved **with condition** a Condominium and Subdivision Plat for RIVERSIDE OFFICE PLAZA PHASE II at 1215 West Rio Salado Parkway.

COMMENTS: (PL060668) (Frank Petit, LGE Corporation, property owner; Gary Brandt, Hunter Engineering, applicant) for two (2) office buildings, located at 1215 West Rio Salado Parkway in the GID, General Industrial District, including the following:

SBD06020 – Condominium and Subdivision Plat consisting of twenty-eight (28) office units on one (1) lot.

The following condition was also approved:

1. The Subdivision and Condominium Plat for Riverside Office Plaza Phase II shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before June 28, 2008**. Failure to record the plan within one year of City Council approval shall make the plan null and void.

DOCUMENT NAME: [20070628dsrl03.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

33. Approved **with condition** a Condominium and Subdivision Plat for ARIZONA CONDOMINIUMS at 312 South Hardy Drive.

COMMENTS: (PL060594) (Levi Jones, Extalade Investments, property owner; Tommy Townsend, applicant) for the development of seven (7) new dwelling on 0.45 acres, located at 312 South Hardy Drive in the R-3, Multi-Family Residential Limited District, including the following:

SBD06020 – Condominium and Subdivision Plat consisting of seven (7) units on one (1) lot.

The following condition was also approved:

1. The Subdivision Plat (Condominium Plat) for Arizona Condominiums shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before June 28, 2008**. Failure to record the plan within one year of City Council approval shall make the plan null and void.

DOCUMENT NAME: [20070628dsrl01.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

- *34. Held a public hearing and recommended the approval of a Series 10 Beer and Wine Store Liquor License for Circle K Stores, Inc., dba Circle K, 507 W. Broadway Road.

COMMENTS: Kim Kwiatkowski, Agent

DOCUMENT NAME: [20070628LIQ2.pdf](#) LIQ LIC (0210-02)

- *35. Held a public hearing and recommended the approval of a Series 4 In-State Wholesale Liquor License for Action Wine & Spirits USA, LLC, dba Action Wine & Spirits USA, 8350 S. Kyrene Road, #103.

COMMENTS: Billy Shields, Agent.

DOCUMENT NAME: [20070628LIQ3.pdf](#) LIQ LIC (0210-02)

- *36. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Fiesta Holdings of Eateries, LLC, dba Garcia's Mexican Restaurant, 4400 S. Rural Road.

COMMENTS: H. J. Lewkowitz, Agent

DOCUMENT NAME: [20070628LIQ4.pdf](#) LIQ LIC (0210-02)

- *37. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Garcia's Mills, LLC, dba Garcia's Mexican Restaurant, 5000 Arizona Mills Circle #557.

COMMENTS: H. J. Lewkowitz, Agent

DOCUMENT NAME: [20070628LIQ5.pdf](#) LIQ LIC (0210-02)

- *38. Held a public hearing and recommended the approval of a Series 7 Beer and Wine Bar Liquor License for Johnson and Myres, dba Nate's Place Pub & Grill, 5235 S. Kyrene Road, #104.

COMMENTS: Destiny Johnson, Agent

DOCUMENT NAME: [20070628LIQ6.pdf](#) LIQ LIC (0210-02)

- *39. Held a public hearing and recommended the approval of a Series 6 Bar liquor license application for Dirty Devil, Inc., dba Dirty Devil, 560 S. College, #101.

COMMENTS: Randy Nations, Agent

DOCUMENT NAME: [20070628LIQ7.pdf](#) LIQ LIC (0210-02)

- *40. Held a public hearing and recommended the approval of a Series 12 Restaurant liquor license application for Campfire Restaurants, LLC, dba Urban Campfire, 921 E. University Drive.

COMMENTS: Steve Wolff, Agent

DOCUMENT NAME: [20070628LIQ8.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

41. Awarded **Contract #2007-108**, a one-year contract with four (4), one-year renewal options to CI Technologies, Inc., for Internal Affairs/Professional Standards management system.

COMMENTS: (RFP #07-084) Subject to execution of final written contract. Total

cost for this contract shall not exceed \$55,000 during the initial contract period.

DOCUMENT NAME: [20070628fslq01.pdf](#) **PURCHASES (1004-01)**

42. Awarded **Contract #2007-109**, a one-year contract with two (2), one-year renewal options to WW Williams for Allison Transmission repairs.

COMMENTS: (RFP #07-169) Subject to execution of final written contract. Total cost for this contract shall not exceed \$50,000 during the initial contract period.

DOCUMENT NAME: [20070628fsta06.pdf](#) **PURCHASES (1004-01)**

43. Awarded **Contract #2007-110**, a one-year, sole source contract to Medtronics Emergency Response Systems for heart monitors/defibrillators.

COMMENTS: (Sole Source #08-009) Subject to execution of final written contract. Total cost for this contract shall not exceed \$76,000 during the contract period.

DOCUMENT NAME: [20070628fslq04.pdf](#) **PURCHASES (1004-01)**

44. Awarded **Contract #2007-111**, a one-year contract with two (2), one-year renewal options to Mountain States Specialties, Inc., for Rio Salado signage.

COMMENTS: (IFB #07-088) Subject to execution of final written contract. Total cost for this contract shall not exceed \$50,000 during the initial contract period.

DOCUMENT NAME: [20070628fslq02.pdf](#) **PURCHASES (1004-01)**

45. Approved **Contract #2007-112**, a professional services contract with TranSystems for the University Drive/ASU Transit Station project.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$186,553.

DOCUMENT NAME: [20070628PWCH08.pdf](#) **TRANSPORTATION PLANNING (1101-01) PROJECT NO. 6002961**

46. Approved **Contract #2007-113**, a professional services contract with Stantec Consulting Inc., for the City Hall parking garage and retail building shell project.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$496,757.

DOCUMENT NAME: [20070628PWCH09.pdf](#) **PARKING (0503-19) PROJECT NO. 6702971**

47. Awarded **Contract #2007-114**, a Construction Manager at Risk Construction Services contract to Hunter Contracting Company for the Water Utilities Department Security Improvements Project - Phase 2 Guaranteed Maximum Price (GMP) and approval of a contingency allowance.

COMMENTS: Construction Services contract for a Guaranteed Maximum Price of \$4,355,884.55, subject to execution of the final written contract, plus a contingency allowance of \$250,000 for change orders.

DOCUMENT NAME: [20070628PVMV07.pdf](#) **WATER MANAGEMENT**

ADMINISTRATION (0811-13) PROJECT NO. 3201022

48. Approved the \$500,000 increase to the construction change order contingency and approved **Contract #2000-1971**, addenda to the construction management services contract with Kitchell CEM and **Contract #2001-105AA**, the design services contract with Architekton for the Tempe Center for the Arts.
COMMENTS: Increase of \$500,000 for the construction change order contingency, and an amount not to exceed \$142,000 for an addendum to the construction management services contract with Kitchell CEM and an amount not to exceed \$380,000 for an addendum to the design services contract with Architekton, both subject to the execution of the final written addenda.
DOCUMENT NAME: [20070628PVMV14.pdf](#) **TEMPE CENTER FOR THE ARTS (0109-19) PROJECT NO. 57-997005**
49. Approved **Contract #2006-264A**, an addendum to a professional services contract with Water Works Engineers, LLC., for the Well No. 6 Raw Water Pipeline Project.
COMMENTS: The original contract amount of \$107,330, plus this addendum in the amount of 48,725, will increase the original contract amount to \$156,055, subject to execution of the final written addendum.
DOCUMENT NAME: [20070628PWCH05.pdf](#) **WASTEWATER MANAGEMENT ADMIN. (0812-01) PROJECT NO. 3202701**
50. Approved **Contract #2006-27A**, an addendum to a professional services contract with Morrison Maierle, Inc., for the Curry Road Pedestrian Improvements Project.
COMMENTS: The original contract amount of \$65,638, plus this addendum in the amount of \$46,920, will increase the original contract amount to \$112,558, subject to execution of the final written addendum.
DOCUMENT NAME: [20070628PWCH06.pdf](#) **PEDESTRIAN CROSSINGS (0809-04) PROJECT NO. 6001571**
51. Approved a one-year contract renewal with ING Employee Benefits for medical stop loss insurance for eligible employees and retirees on the PPO medical plan.
COMMENTS: (T04-118-01) Total amount shall not exceed \$501,000.
DOCUMENT NAME: [20070628fsta15.pdf](#) **PURCHASES (1004-01)**
52. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.***
Approved one-year contract renewals with ING Employee Benefits for Basic & Voluntary Life Insurance and CIGNA Group Insurance for Basic, Voluntary & Travel AD&D Insurance for all benefits eligible City employees.
COMMENTS: (T05-062-01 and T05-062-02) Total amount of the contracts shall not exceed \$392,000.

Mayor Hallman declared a conflict of interest and Vice Mayor Hutson conducted the separate consideration of

Item #52.

Motion by Councilmember Arredondo for approval of Item #52. Second by Councilmember Carter. Motion passed on a roll call vote, 6-0, with Mayor Hallman abstaining.

DOCUMENT NAME: [20070628fsta07.pdf](#) **PURCHASES (1004-01)**

53. Approved a one-year contract renewal with AlphaCorp, Inc., for City Council meeting agenda preparation software and training.

COMMENTS: (T06-123-01) Total amount shall not exceed \$61,897 during the contract period.

DOCUMENT NAME: [20070628fsts13.pdf](#) **PURCHASES (1004-01)**

54. Approved a one-year contract renewal with Ancon Service Company for cleaning, maintenance and repair of catch basin, drywells and storm drains.

COMMENTS: (T06-159-01) Total amount shall not exceed \$150,000 during the contract period.

DOCUMENT NAME: [20070628fsts12.pdf](#) **PURCHASES (1004-01)**

55. Approved one-year contract renewals with Economics Research Associates and Nelson Phoenix, LLC, for development consultants.

COMMENTS: (T06-129-01 and T06-129-02) Total amount shall not exceed \$100,000.

DOCUMENT NAME: [20070628fslg10.pdf](#) **PURCHASES (1004-01)**

56. Approved a one-year contract renewal with Altura Communications Solutions for Avaya telephone equipment and services.

COMMENTS: (T07-012-01) Total amount shall not exceed \$100,000 during the contract period.

DOCUMENT NAME: [20070628fsts09.pdf](#) **PURCHASES (1004-01)**

57. Approved one-year contract renewals with Arizona State University and Gateway Community College for educational partnerships.

COMMENTS: (T04-123-01 and T04-123-02) Total amount shall not exceed \$200,000 during the contract period.

DOCUMENT NAME: [20070628fsta08.pdf](#) **PURCHASES (1004-01)**

58. Approved one-year contract renewals with Work of Art Painting and Fabiani Painting and Decorating, LLC, for pole and fixture painting.

COMMENTS: (T05-128-01 and T05-128-03) Total amount shall not exceed \$50,000 during the contract period.

DOCUMENT NAME: [20070628fsta05.pdf](#) **PURCHASES (1004-01)**

59. Approved one-year contract renewals with Stantec Consulting, Inc., and Willdan for plan review, building inspection, and planning services.
COMMENTS: (T05-135-01 and T05-135-02) Total amount shall not exceed \$304,000.
DOCUMENT NAME: [20070628fslq03.pdf](#) **PURCHASES (1004-01)**
60. Approved annual insurance premium renewals for FY 2007/2008 to include excess property, excess liability, excess workers' compensation, crime, inland marine, and auto physical damage insurance purchased through the City's Risk Management Consultant/Broker, Marsh USA, Inc.
COMMENTS: (T05-109-01) Total amount shall not exceed \$993,482.40.
DOCUMENT NAME: [20070628fst16.pdf](#) **LIABILITY INSURANCE (0510-01)**
61. Approved the utilization of a ten-month US Communities contract with GTSI Corp. for the purchase of an uninterruptible power system.
COMMENTS: (RQ03-605674-16A) Total cost of the contract shall not exceed \$108,092 during the contract period.
DOCUMENT NAME: [20070628fst14.pdf](#) **PURCHASES (1004-01)**
62. Approved **Contract #2007-115**, the utilization of a one-year City of Tucson contract with Advanced Public Safety for the purchase of an electronic citation management system.
COMMENTS: (Contract 053058-01) Total amount of the contract shall not exceed \$66,200.
DOCUMENT NAME: [20070628fsta11.pdf](#) **PURCHASES (1004-01)**
- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.
- *63. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.***
Introduced and held the **first** public hearing for an amended Planned Area Development Overlay for ONYX CONDOMINIUMS located at 909 East Playa del Norte Drive. **The second public hearing is scheduled for July 19, 2007.**
COMMENTS: (PL060427) (Greg Loper, Weststone Group of Companies, property owner; Manjula Vaz, Gammage & Burnham, applicant) for a 26-story, +/- 272 foot, 174 unit multi-family residential tower and a +/- 38 foot, 22 unit condominium building, all on a three level parking garage. The residential building area is +/- 252,316 s.f. on +/- 1.481 acres in the MU-4, Mixed-Use, High Density District and the Rio Salado Overlay District. The request includes the following:
PAD06003 -- Amended Planned Area Development Overlay to modify development standards for +/- 252,316 s.f. of residential building on +/-1.481 acres.

Councilmember Mitchell declared a conflict of interest.

No one came forward to speak at the public hearing.

*****FIRST PUBLIC HEARING ONLY, NO COUNCIL ACTION TAKEN. THE SECOND PUBLIC HEARING IS CURRENTLY SCHEDULED FOR JULY 19, 2007.**

DOCUMENT NAME: [20070628dskko02.pdf](#) PLANNED DEVELOPMENT (0406)

- *64. Introduced and held the **first** public hearing for a Zoning Map Amendment, Planned Area Development Overlay and Development Plan Review for 4455 RURAL located at 4455 South Rural Road. **A second public hearing for this request is scheduled for July 19, 2007.**

COMMENTS: (PL070191) consists of a mixed use development of 30 residences and 3,600 s.f. of commercial office space within a four story (50 foot) building of approximately 87,785 s.f., located on 1.217 acres, currently in the PCC-2 Planned Commercial Center Zoning District, including the following:

ZON07004 – (Ordinance 2007.49) Zoning Map Amendment for 1.217 acres from PCC-2 Planned Commercial Center District to MU-3 Mixed-Use Medium-High Density District, with a density of 24.65 dwelling units per acre.

PAD07018 – Planned Area Development Overlay to define the development standards for one building totaling approximately 87,785 s.f. on 1.2174 acres.

DOCUMENT NAME: [20070628dsdk02.pdf](#) PLANNED DEVELOPMENT (0406)

- *65. Introduced and held the **first** public hearing to adopt an ordinance granting an easement to Salt River Project to install and maintain the facilities necessary to provide electrical service to city-owned property at 1400 North College Avenue. **The second public hearing is scheduled for July 19, 2007.**

DOCUMENT NAME: [20070628PWCH10.pdf](#) GRANT OF EASEMENTS (0904-02) ORDINANCE NO. 2007.50

- *66. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Introduced and held the **first** public hearing to adopt an ordinance abandoning a portion of undeveloped McKellips Road lying adjacent to 2006 North Campo Alegre Drive. **The second public hearing is set for July 19, 2007.**

Mayor Hallman declared a conflict of interest and Vice Mayor conducted the separate consideration of this item.

No one came forward to speak at the public hearing.

*****FIRST PUBLIC HEARING ONLY, NO COUNCIL ACTION TAKEN. THE SECOND PUBLIC HEARING IS CURRENTLY SCHEDULED FOR JULY 19, 2007.**

DOCUMENT NAME: [20070628PWCH11.pdf](#) ABANDONMENT (0901)

ORDINANCE NO. 2007.51

D. Ordinances and Items for Second Hearing/Final Adoption

- *67. Held the **second public hearing** and approved **with conditions** a Planned Area Development Overlay for AM/PM ARCO BROADWAY AND RURAL at 908 East Broadway Road.

COMMENTS: (PL060538) (Gina Gill/Broadway & Aujla LLC; Fred Stern, Stern and Associates, applicant) for a 2400 s.f. convenience store with fuel dispensers on .45 acres, located at 908 East Broadway Road in the CSS, Central Commercial District, including the following:

PAD07010 – (Ordinance No. 2007.25) Planned Area Development Overlay to modify development standards for +/- 2400 s.f. of building area on +/- 0.45 acres.

The following conditions were also approved:

1. Obtain the building permit and commence construction on or before **two years from City Council approval** of the Planned Area Development Overlay or the Planned Area Development Overlay for this lot will expire.
2. Obtain approval of a new subdivision plat to combine the two existing lots; process through City Council prior to issuance of building permit.
3. For contiguous parcel to the north (Safeway Shopping Center), obtain a cross access easement. Complete this process through the Engineering Division of the Public Works Department prior to issuance of a building permit. Contact Engineering Division (Carol Martsch 480-350-8200) if questions.
4. A separate development plan approval will be required for the improvements to the Safeway site and all improvements on Safeway property to be completed prior to issuance of Certificate of Occupancy for ARCO AM/PM Broadway and Rural.
5. The Planned Area Development Overlay for ARCO AM/PM Broadway and Rural shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department. Complete this process prior to issuance of building permits.

DOCUMENT NAME: [20070628dssl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *68. Held the **second public hearing** and approved **with conditions** a Planned Area Development Overlay for AM/PM ARCO SOUTHERN AND MCCLINTOCK located at 3233 South McClintock Drive.

COMMENTS: (PL060450) (Sonya Branson, Bhadvadia, LLC, owner; Manjula Vaz, Gammage & Burnham PC, applicant) for a 2900 s.f. convenience store with 1056 s.f. carwash and fuel dispensers on .91 acres, located at 3233 South McClintock Drive in the PCC-1, Planned Commercial Center District, including the following:

PAD07009– (Ordinance No. 2007.24) Planned Area Development Overlay to modify development standards for +/- 3956 s.f. of building area on +/- 0.91 acres.

The following conditions were also approved:

1. Obtain the building permit and commence construction on or before **two years from City Council approval** of the Planned Area Development Overlay or the Planned Area Development Overlay for this lot will expire.

2. The Planned Area Development Overlay for ARCO AM/PM Southern and McClintock shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department. Complete this process prior to issuance of building permits.
3. Drawings must be submitted to the Development Services Building Safety Division for building permit by **May 22, 2008**, or Development Plan will expire.

DOCUMENT NAME: [20070628dssl02.pdf](#) **PLANNED DEVELOPMENT**
(406)

- *69. Held the **second public hearing** and approved Code Text Amendments to the Zoning and Development Code.

COMMENTS: (PL070198) (City of Tempe, applicant) for changes to the Zoning and Development Code pertaining to separation requirements for tobacco retailers; setback reductions when adjacent to a public alley, including related items for the following:

ZOA07001 – (Ordinance No. 2007.36) Code Text Amendments pertaining to Section 3-202, 3-401, 3-423 and 7-109 of the Zoning and Development Code.

DOCUMENT NAME: [20070628dsrl04.pdf](#) **ZONING &**
DEVELOPMENT CODE (0414-03)

- *70. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Held the **second public hearing** and approved **with conditions** a Planned Area Development Overlay for MARINA HEIGHTS AT TEMPE TOWNLAKE – EAST, at 600 East Rio Salado Parkway.

COMMENTS: (PL070156) (Arizona State University, property owner; Kendle Design Collaborative / SunCor, applicant) for the development of five (5) new buildings, totaling up to 1,566,750 r.s.f. of building area for a hotel and office/retail use on +/-15.23 acres, located at 600 East Rio Salado Parkway, in the MU-Ed District, including the following:

PAD07015 – (Ordinance No. 2007.38) Planned Area Development Overlay to modify development standards for +/-1,566,750 s.f. of building area on +/-15.23 acres.

The following conditions were also approved:

1. The Planned Area Development Overlay for MARINA HEIGHTS – EAST shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
2. A fourteen (14) foot transit easement shall be indicated on the south property line for future use, subject to review by the Public Works, Light Rail Transit Division.
3. Updates shall be provided to the traffic impact study as submittals are made and development plans are refined.
4. The driveways as discussed in the traffic study shall be reduced from the 11 proposed to 8, including the following modifications, subject to review by the Public Works, Traffic Engineer:
 - a. Relocate Driveway D2 at least 150 feet to the east;
 - b. Consolidate Driveways D4 and D5;
 - c. Eliminate Driveway D8; and
 - d. Eliminate Driveway D10.

5. The developer shall be responsible for design and construction of a southbound right-turn lane at the Rio Salado Parkway and Rural Road intersection as recommended in the traffic impact study during the first phase of construction, subject to review by the Public Works, Traffic Engineer.
6. The developer shall be responsible for the costs associated with design and construction of the future traffic signal located at Driveway D7, subject to review by the Public Works, Traffic Engineer.
- Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all parties.

Mayor Hallman asked for Council consensus to consider Item #70, Item #71, and Item #91 together and Council agreed.

APPLICANT PRESENTATION

Stephen Anderson, 2 N. Central, 18th Floor, Phoenix, on behalf of Suncor. These are two adjacent sites along Rio Salado Parkway. Marina Heights East is an 15-acre site at the northeast corner of Rural and Rio Salado Parkway, and Marina Heights West is an 11-acre site between Marina Heights East and Hayden Ferry Lakeside. This property is owned by Arizona State University (ASU). Seven years ago, Suncor was the successful respondent in an RFP process initiated by ASU for this acreage. Since that time, ASU has undergone changes and within the past year, ASU has decided to move forward with the RFP. Last week, the Arizona Board of Regents approved the proposal for this project. This project involves two PADs, a single rezoning case, a single use permit, and one development agreement between ASU and the City that does not involve Suncor directly. He provided an overview of the project. Site concepts include a “book-ending” of this site by office use, with residential use in the middle. A second concept is for a horizontal height transition, with the lower heights along Mill and Rural and have the greatest heights in the center. A third concept involves view sheds and physical access sheds through the site so there are places that allow a view through the site, and places to walk through the site. In the narrow parts of the site, only one building is planned, but in the wider areas, more density is clustered with multiple buildings. The final concept is to continue to quality of design at Hayden Ferry Lakeside.

Mr. Anderson continued that all of the property for Marina Heights East will be leased from ASU. The current zoning of this property is Mixed-Use Educational and because ASU will retain ownership of the property, that zoning will remain. ASU has pledged as part of the development agreement (Item #91) that all of the net gains from this lease agreement will be spent on improvements to the Tempe ASU campus. There are 5 buildings, each between 10 and 12 floors with a maximum proposed height of 210 feet. The four buildings on the east are intended to be office buildings with 1.6M sq. ft. of rentable space. A 400-room hotel is proposed with 50K sq. ft. of conference rooms. The use permit is for tandem parking to service that hotel. The hotel is likely to be the first part of the overall project to be developed. Part of Suncor’s agreement with ASU is that within 90 days of the approval of this project is issue an RFP on that hotel site for a joint venture partnership of the hotel operation. Suncor has been contacted by multiple major hotel operators.

Mr. Anderson continued that the site for Marina Heights West would be purchased from ASU and it would be necessary to rezone it from its current MU-ED zoning to MU-4. Six buildings are proposed, or three pairs of vertically-transitioning buildings. Buildings E and F are 4-story townhomes (50 ft. in height), 32 units, fronting

the lake. These buildings are the lowest units in the projects. Buildings C and D in the middle of the site are 16-story condominium units with 125 dwelling units in each building. Buildings A and B are proposed to be 22 stories tall (251 feet). The objective for these buildings is for residential condominium use. The PAD, however, provides the opportunity for these buildings to include an office component. When this application was filed, the initial proposal was for buildings of 384 feet. The Development Review Commission (DRC) felt that they should not be above 299 feet and asked Suncor to contact US Airways to review the height request. US Airways determined that 251 feet is the appropriate safe height. This represents a reduction in height of 133 feet, or 35% decrease from the application. Some of that height has been recovered, as Buildings C and D have increased in height by 4 stories. They began as 12-story buildings, and 4 additional stories are being proposed. Even with that increase, the project has lost a half million square feet on Marina Heights West. This represents an exciting opportunity for ASU, for Suncor, for the Lake, and for the City as a whole.

PUBLIC HEARING

Michael Wasko, Tempe, noted that Council commissioned a document entitled “Community Design Principles” which described the area adjacent to this property as “urban park transition area with a recommended guideline height of 200 feet.” Even though this specific property is not within that purview, it is directly adjacent to that. It has also been proven up to this point that there are developments along the Lake in that area that are doing very well under the 200 foot limit. The 251 foot height represents density over design and massiveness over modesty. He proposed that Council adhere to something more in spirit with the 200 foot height. The breadth of the project and the massiveness tends to discredit the Butte. In any viewing location along Scottsdale Road or from the 202 Freeway, the Butte is shielded.

Warren Egmund, Tempe, expressed a legal concern. This is the second public hearing and yet this is the first time the public has had a chance to see these views. No proposal was made at the first public hearing. There are citizens who would have a strong opinion on the view lines. He questioned why the two tallest buildings, Buildings A and B, could not be switched with Buildings K and J which would have the effect of leaving the view of the Butte clearer.

The public hearing was closed.

APPLICANT'S RESPONSE

Stephen Anderson, responded that these items did have a first public hearing. There was no interest to remove the items for separate consideration at that time.

Mayor Hallman clarified that the item was removed for separate consideration at the May 31st Council meeting and Randy Levin summarized that the project had come before the DRC, that a number of issues had been raised and that those issues, including height, density, design and the financial terms, would be addressed.

Mr. Anderson addressed the concerns about height. There are aesthetic differences in opinion. They have placed the height at the widest part of the site. The site does vary in width from east to west, but the height is placed at the physically widest part. The number originally filed with the application was in excess of 300 feet. The speaker used the phrase “approvable.” He did not mean to imply that anything presented is “approved” and Council is the decision-maker. The original number was cleared with the FAA. The DRC pointed out that

we had failed to have a separate conversation with US Airways and with Sky Harbor. Each entity had different concerns. There are projects of various heights. The Pier 202 project and the Onyx Condominium project have greater heights. These sites are further east, but these are aesthetic decisions. This aesthetic vision works and is appropriately sensitive to the Butte. One challenge with Marina Heights East is that there is a soil condition change. Everything from Building K west of the site is built on relatively shallow bedrock. At the ASU plaza, everything to the east is built on soil that is relatively poor quality and the bedrock is very deep and the construction techniques require us to create a hard concrete foundation for Buildings J, I, H and G. The heights on those sites are lower, in part due to the costs associated with this construction process.

Councilmember Carter asked about take-down on either of these sites.

Mr. Anderson responded that ASU is desirous to close this transaction during fiscal year 2007. Suncor is willing to do that and has worked in a cooperative way with ASU. Concerning the RFP for Building K, if this is closed tomorrow, that RFP must go out in 90 days. Marina Heights West is a fee title cash sale acquisition. Marina Heights East is a lease transaction. For example, when they have a user and sign a lease and move forward with a lease, that site will get re-appraised. They have to pay the full value of that lease up front and prepay the entire lease (99 years). Essentially, they are purchasing that amount. Then, as an added benefit for ASU, each time that lease subsequently changes hands, ASU receives a percentage of the transaction. Suncor is comfortable with all of the staff's stipulations.

Councilmember Arredondo added that he is impressed with ASU, Suncor and the City coming together on an outstanding agreement.

Vice Mayor Hutson referred to a conversation with Suncor about the length of time for build-out. He noted that he had been assured that Suncor would seek joint ventures right away and that this would not be a 20 or 25-year build-out.

Mayor Hallman asked for clarification that the proceeds of Marina Heights East would be contributed to the Tempe campus projects. The proposed DDA states that all sales proceeds and lease proceeds, not only from Marina Heights East and Marina Heights West, but also the nine acres on the east side of Rural Road. They are defined as properties A1, A2 and A3.

Mr. Anderson agreed.

Mayor Hallman added that what has not been said about the document that accompanies these and which is the condition under which the PADs might be approved this evening are the terms that provide additional and substantial benefit to the community. He appreciates Mr. Wasko's concern about the vision of the Butte and Professor Egmund's concerns as well. It has been a matter of substantial concern that this project respect its location adjacent to the Butte. The original heights would not have violated any obligation or restriction on these properties. We have imposed on the west end of the Butte a height restriction that precludes any building on the mill and silo site, for example, to 168 feet from the base of the flour mill, so that no building would exceed the height of the flour mill and silo site. The properties on the north side of Rio Salado Parkway do not have any of those height restrictions with one exception. Hayden Ferry Lakeside has view corridors imposed on it. Maybe it

was a failing of Council when Council worked to seek agreement for the projects that are now Hayden Ferry Lakeside and the flour mill and silo site that Council didn't try to extend that beyond, but there is a document that governs that. It was done in 1996 between ASU and the City and it does impose guidelines on the heights along this corridor. More importantly, however, it imposes the view corridors that one sees exposed on this plan. Buildings K and J are separated and create a plaza in the middle. That is imposed by the requirements of the agreements entered into in 1996. He is concerned that the view of the Butte not be hindered by the buildings that are farther to the west. He complimented the team at Suncor for working diligently to bring the height down from 385 feet to 253 feet, but he notes that the height restriction requested by US Airways at 253 feet includes two feet of lighting that has to be imposed on the buildings for purposes of aircraft over-flights. The buildings, then, have to be no taller than 251 feet. In addition, the architectural additions the City has requested on these kinds of buildings are approximately an additional 20 feet. Therefore, when we take into consideration the requirements the City has made to screen mechanical elements and to add the architectural detail to improve the look and view, the real buildings are at 230 feet. He had indicated previously that his desire was that these buildings not exceed 225 feet to be consistent with our height guidelines around the Butte. He would grant that additional 5 feet since this has been a very good faith effort. He would ask one other thing. The two tallest buildings are massed toward the center, and he would hope in future designs that consideration be given to create as broad a view shed as possible between those two buildings. If that were achieved, it would better celebrate the Butte and its existence. This agreement (Item #91) does provide a valuable community benefit for the preservation and restoration of the Butte. Through these negotiations, ASU has agreed that \$12M will be contributed from ASU's proceeds from the earnings from these properties, primarily from the Government Property Leased Excise Tax (GPLET), to the City for the relocation of power lines. That will help eliminate the power line stanchions immediately on the Butte. He met with the Salt River Pima Maricopa Indian Community to talk about this. He described the efforts to reduce the height from the 385 feet to 230 feet, and they were receptive. In addition, there is some clear understanding that the property being built on has never been part of the Butte. The river used to swirl up against the Butte and everything being constructed here is being constructed on essentially land reclaimed from the riverbed. It is not part of the sacred site of the Butte. The DDA indicates that the developer will be contributing \$4.5M toward the relocation of the power lines. The agreement leaves open the issue of undergrounding of the power lines and indicates the power lines could be relocated. He believes the power lines should be undergrounded. The price is approximately the amount offered by ASU and Suncor. He asked Council if it was their desire that the power lines be undergrounded.

Councilmember Carter understood the Mayor's desire, but suggests considering other opportunities for that \$16M.

Councilmember Arredondo stated that the power lines would involve another discussion.

Mayor Hallman stated that his view of this agreement and what he hopes to achieve is contingent upon the idea that the funds would be created to underground the power lines as part of the *quid quo pro* for the community in exchange for the heights granted this evening. If undergrounding is not something that would be considered, his opinion would change. He wouldn't then see the value immediately to the community of giving up the view of the Butte in exchange for undergrounding the power lines.

Councilmember Carter clarified that she was considering other benefits to the community.

Mayor Hallman added that some of the people who are agreeing to stand down with respect to the height view that the *quid quo pro* that they would be getting is that those power lines would be eliminated and undergrounded. Council did that from the Butte to Priest Road and he is surprised that people who have agreed to spend \$16M for undergrounding near the Arts Center, for example, wouldn't support doing the same thing for the balance of the public with respect to these projects. Again, if that isn't something we see as a value, his conversations with those who were concerned about the height was premised on the idea that we would be undergrounding these power lines. He didn't know that he could, in good conscience, support something if that commitment isn't being made.

Council concurred that their commitment was to underground the power lines.

Mayor Hallman asked for clarification that Council is agreeing to commit to upholding any agreements ASU is offering Suncor with respect to a Government Property Lease Excise Tax (GPLET). Unlike "incentives", this is a project in which the property owner is receiving financial payments from the developer and merely using a mechanism to turn around and provide some of that money back over a period of time. It allows ASU to receive immediate payment of \$21M and over time, provide resources back to the project to pay for some of the amenities the University seeks to have. One of those amenities is the plaza between two of the buildings. This is an obligation imposed by ASU because it wants to create a plaza for the public when they attend ASU athletic activities. That distinguishes this project in a very different way from earlier projects the City had attempted and that distinction on the use of the GPLET is important. ASU, as a result of imposing the GPLET regime, has an opportunity, after it provides Suncor the payments it has agreed to, and after it supplies the City the \$12M payments it has agreed to, has an income stream that can then be used for the benefit of the University. He would encourage Council to recognize that Sun Devil Stadium is in need of substantial repairs. That income stream gives the University an opportunity to create a tax stream that is a bondable stream of income that it could then contribute to the reconstruction of Sun Devil Stadium. That isn't part of this agreement, but he wanted to express his view on that. He isn't asking Council to concur with that, but he would ask Mr. Stanley to come forward. The Mayor stated that typically with a project like this we have seen the highest level in the University participate in the presentations. There is someone above Mr. Stanley who has committed his personal reputation to projects like Sky Song and the downtown Phoenix developments. He asked Mr. Stanley, representing President Crow, that his full faith and credit is behind this project and that he seeks to achieve the goals of not only having these building constructed and cash flows return to the University for the benefit of education, but that he is committed to this community in the quick undertaking of this project and the commitment of the resources that it generates to ASU's main campus in Tempe.

Mr. Stanley responded that President Crow was unable to be present tonight, but he is aware of all the terms and conditions of the development agreement and of the sale and lease, and it is his commitment that these funds will be reinvested in the betterment of the Tempe campus.

Motion by Vice Mayor Hutson for the approval of Items #70, #71, and #91. Second by Councilmember Mitchell. Motion passed on a roll call vote, 7-0.

(0406)

*71. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Held the **second public hearing** and approved **with conditions** a Zoning Map Amendment and Planned Area Development Overlay for MARINA HEIGHTS AT TEMPE TOWNLAKE – WEST, at 300 East Rio Salado Parkway.

COMMENTS: (PL070155) (Arizona State University, property owner; Kendle Design Collaborative / SunCor, applicant) for the development of seven (7) new buildings, totaling up to ~~1,886,200~~ **r.s.f. 1,640,500 g.s.f.** of building area for office and residential condominiums on +/-10.6 acres, located at 300 East Rio Salado Parkway, in the MU-Ed District, including the following:

ZON07003 – (Ordinance No. 2007.37) Zoning Map Amendment from MU-Ed, Mixed-Use Educational District to MU-4, Mixed-Use High Density District on +/- 10.6 acres.

PAD07014 – Planned Area Development Overlay to modify development standards for +/-~~1,886,200~~ **s.f. 1,640,500 g.s.f.** of building area on +/-10.6 acres.

The following conditions were also approved:

1. The Planned Area Development Overlay for MARINA HEIGHTS – WEST shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
2. A fourteen (14) foot transit easement shall be indicated on the south property line for future use, subject to review by the Public Works, Light Rail Transit Division.
3. Updates shall be provided to the traffic impact study as submittals are made and development plans are refined.
4. The driveways as discussed in the traffic study shall be reduced from the 11 proposed to 8, including the following modifications, subject to review by the Public Works, Traffic Engineer:
 - a. Relocate Driveway D2 at least 150 feet to the east;
 - b. Consolidate Driveways D4 and D5;
 - c. Eliminate Driveway D8; and
 - d. Eliminate Driveway D10.
5. The developer shall be responsible for design and construction of a southbound right-turn lane at the Rio Salado Parkway and Rural Road intersection as recommended in the traffic impact study during the first phase of construction, subject to review by the Public Works, Traffic Engineer.
6. The developer shall be responsible for the costs associated with design and construction of the future traffic signal located at Driveway D7, subject to review by the Public Works, Traffic Engineer.
7. MARINA HEIGHTS – WEST shall provide a maximum building height of two hundred ninety-nine (299) feet for buildings A and B. (ADDED BY DEVELOPMENT REVIEW COMMISSION)
8. If the F.A.A. determines the building height as a potential hazard or if U.S. Airways determines the height creates significant operational constraints, the PAD request shall be brought back through the public hearing process, as it relates to height. (ADDED BY DEVELOPMENT REVIEW COMMISSION)
 - The Mixed-Use Zoning Districts require both residential and commercial uses on one project site.
 - Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all parties.
 - Provide public art as part of this development in conformance with the Art in Private Development

Ordinance and the Zoning and Development Code; see the Zoning and Development Code Sec. 4-407 and Appendix D. Contact the Cultural Services Administration (Adrienne Richwine or Liz Lagman 480-350-5287) if any questions regarding implementation of this requirement.

This item was considered with Item #70 and Item #91.

DOCUMENT NAME: [20070628dsrl06.pdf](#) PLANNED DEVELOPMENT
(0406)

*72. **THIS ITEM WAS DELETED AT STAFF'S REQUEST**

This is the **second public hearing** for an ordinance abandoning a water line easement on the Sundt offices work site located near the northeast corner of Alameda Drive and Priest Drive.

DOCUMENT NAME: [20070628PWCH01.pdf](#) ABANDONMENT (0901)
ORDINANCE NO. 2007.47

*73. Held the **second public hearing** and approved ORDINANCE NO. 2007.44 abandoning miscellaneous easements on the Dorsey Crossing Live/Work site, located near the southwest corner of Broadway Road and Dorsey Lane, at 1243 East Broadway Road

DOCUMENT NAME: [20070628PWCH02.pdf](#) ABANDONMENT (0901)

*74. Held the **second public hearing** and approved ORDINANCE NO. 2007.45 abandoning segments of a waterline easement at 1740 East Broadway Road.

DOCUMENT NAME: [20070628PWCH03.pdf](#) ABANDONMENT (0901)

*75. Held the **second public hearing** and approved ORDINANCE NO. 2007.48 abandoning a waterline easement at 305 East Elliot Road.

DOCUMENT NAME: [20070628PWCH04.pdf](#) ABANDONMENT (0901)

*76. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Due to a publishing error, the ordinance to amend Chapter 19, Article XII, of the Tempe City Code relating to Parking Meters by adding new Section 19-144, was reheard, and an emergency clause enacting the measure two days after the date of adoption and passage was approved.

DOCUMENT NAME: [20070628pwcdl01.pdf](#) TCC CH 19 - MOTOR VEHICLES & TRAFFIC (0503-19) ORDINANCE NO. 2007.41

Mayor Hallman stated that Items #76 through #84 would be considered together. He explained that a publishing error required these items to be re-noticed. The reason for the emergency clause language is because the time period would have already run out. They were ultimately published and two public hearings were held, but this gives, in fairness, the opportunity to re-hear them, and the time periods noted in the agenda are those when the period for appealing these items would otherwise have run out. Council wanted to give full due opportunity for our community to appeal any item.

Motion by Vice Mayor Hutson for approval of Items #76, #77, #78, #79, #80, #81, #82, #83 and #84. Second by Councilmember Shekerjian. Motion passed on a roll call vote, 7-0.

*77. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Due to a publishing error, the ordinance to amend the Tempe City Code, Chapter 8, relating to Buildings and Building Regulations, by amending Article I, Section 8-100, was reheard, and an emergency clause enacting the measure on July 3, 2007, was approved.

DOCUMENT NAME: [20070628dssf03.pdf](#) TCC CH 8 CITY CODE (0503-8)
ORDINANCE NO. 2007.32

Items #76 through #84 were considered together.

*78. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Due to a publishing error, the Zoning Map Amendment and Planned Area Development Overlay for 5th STREET WEST at 1300 West 5th Street, was reheard, and an emergency clause enacting the measure two days after the date of adoption and passage was approved.

COMMENTS: (PL060558) (Tom Goscicki, AJT Development, Owner/Applicant) for a two and three-story (13) unit residential development located at 1300 West 5th Street, in the R-2, Multi-Family Residential District, including the following:

ZON07001 – (Ordinance No. 2007.29) Zoning Map Amendment from R-2, Multi-Family Residential District to R1-PAD, Single Family Residential Planned Area Development District on +/-0.89 net acres.

PAD07006 – Planned Area Development Overlay to modify development standards for 13 units on +/-27,000 s.f. of total building area.

The following conditions were also approved:

1. A building permit shall be obtained and substantial construction commenced on or before May 31, 2008, or the property shall revert to the previous zoning designation, subject to a formal public hearing at City Council.
2. The Planned Area Development Overlay for 5th STREET WEST shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
3. Minimum front yard building setback shall be twelve (12) feet from property line.
4. Maximum building height (35) feet, excluding any interior parapet designs.

DOCUMENT NAME: [20070628dsrl05.pdf](#) PLANNED DEVELOPMENT
(0406)

Items #76 through #84 were considered together.

*79. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Due to a publishing error, the Zoning Map Amendment and Planned Area Development Overlay for TEMPE TRANSIT SITE at 1811 East Apache Boulevard, was reheard, and

an emergency clause enacting the measure two days after the date of adoption and passage was approved.

COMMENTS: (PL070099) (City of Tempe, property owner; GDG Enterprises LLC, Daniel Tilton, applicant) for a mixed-use development including a 300 space Light Rail Park and Ride, residential apartments and retail located at 1811 East Apache Boulevard, in the GID, General Industrial District and CSS, Commercial Shopping and Service District and Transportation Overlay District, including the following:

ZON07002 – (Ordinance No. 2007.27) Zoning Map Amendment from GID, General Industrial District and CSS, Commercial Shopping and Service District to MU-4, Mixed-Use High Density District including the Transportation Overlay District on +/-4.81 net acres.

PAD07008 – Planned Area Development Overlay for +/-759,387 s.f. of total building area.

The following conditions were also approved:

1. A building permit shall be obtained and substantial construction commenced **on or before May 31, 2008**, or the property shall revert to the previous zoning designation, subject to a formal public hearing at City Council.
2. The Planned Area Development Overlay for TEMPE TRANSIT SITE shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
3. A Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.

DOCUMENT NAME: [20070628dsr102.pdf](#) **PLANNED DEVELOPMENT (0406)**

Items #76 through #84 were considered together.

*80. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Due to a publishing error, the Planned Area Development Overlay and Amended Subdivision Plat for NEWTOWN ROOSEVELT at 1029 South Roosevelt Street, was reheard, and **an emergency clause enacting the measure two days after the date of adoption and passage was approved.**

COMMENTS: (PL070036) (Allen Carlson, Executive Director/Newtown CDC, applicant; Newtown CDC, property owner) for the development of two (2) single-family units located at 1029 South Roosevelt Street in the R-2, Multi-Family Residential District for:

PAD07012 – (Ordinance No. 2007.26) Planned Area Development Overlay to modify development standards for +/- 1782 s.f. of building area on +/- 0.195 acres.

SBD07002 – Amended Subdivision Plat of Lot 8, Block 8 of the Goodwin Home Subdivision creating two (2) lots on .195 acres.

The following conditions were also approved:

1. Record final subdivision plat **on or before May 31, 2008**, or the Planned Area Development Overlay for these lots will expire, and shall revert to the previous designation through a formal hearing at City Council.
2. The Final Subdivision Plat for Newtown Roosevelt shall be put into proper engineered format with

appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before May 31, 2008**. Failure to record the plat within one year of City Council approval shall make the plat null and void.

3. The Planned Area Development Overlay for Newtown Roosevelt shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department.

DOCUMENT NAME: [20070628dssl03.pdf](#) PLANNED DEVELOPMENT
(0406)

Items #76 through #84 were considered together.

- *81. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Due to a publishing error, the ordinance to amend Chapter 10 of the Tempe City Code relating to Community Antenna Television was reheard, and an emergency clause enacting the measure two days after the date of adoption and passage was approved.

DOCUMENT NAME: [20070628cacc01.pdf](#) TCC CH 10 – COMMUNITY
ANTENNA & TELEVISION (0503-10) ORDINANCE NO. 2007.39

Items #76 through #84 were considered together.

- *82. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Due to a publishing error, the ordinance authorizing the Mayor to execute Contract #2007-95, a Special Warranty Deed between the City of Tempe and the Pier 202 Tempe LLC, a Delaware limited liability company, was reheard, and an emergency clause enacting the measure two days after the date of adoption and passage was approved.

DOCUMENT NAME: [20070628swscd01.pdf](#) REAL PROPERTY DISPOSITION
(0902-21-01) ORDINANCE NO. 2007.42

Items #76 through #84 were considered together.

- *83. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Due to a publishing error, the ordinance authorizing the conveyance of City-owned property, located at 900 South Una Avenue, was reheard, and an emergency clause enacting the measure two days after the date of adoption and passage was approved.

DOCUMENT NAME: [20070628PWCH12.pdf](#) REAL PROPERTY
MANAGEMENT (0900) ORDINANCE NO. 2007.34

Items #76 through #84 were considered together.

- *84. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Due to a publishing error, the ordinance authorizing **Contract #94-209B**, a first amendment to a communications site lease agreement with American Tower Asset Sub, LLC (successor in interest to C-Call Corp. formerly doing business as OneComm Corp.) for cellular communication facilities located on Carver Road east of Hardy in Tempe, was reheard, and **an emergency clause enacting the measure two days after the date of adoption and passage was approved.**

DOCUMENT NAME: [20070628PWCH13.pdf](#) COMMUNICATION (1002)
ORDINANCE NO. 2007.40

Items #76 through #84 were considered together.

E. Resolutions

- *85. Approved RESOLUTION NO. 2007.48 approving the annual assessments for the Downtown Tempe Enhanced Services Improvement District (public hearing).

DOCUMENT NAME: [20070628cdcm01.pdf](#) CENTRAL BUSINESS DISTRICT (0403-05)

86. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Approved RESOLUTION NO.2007.50 establishing Double Butte Cemetery enterprise fees and rate increase policies effective August 1, 2007.

DOCUMENT NAME: [20070628prsw02.pdf](#) CEMETERY RATES (0702-01)

Councilmember Ellis declared a conflict of interest.

Motion by Councilmember Mitchell for approval of Item #86. Second by Vice Mayor Hutson. Motion passed on a roll call vote, 6-0, with Councilmember Ellis abstaining.

87. Approved RESOLUTION NO. 2007.16 authorizing the execution of **Contract #2007-116**, a Development Agreement with UNIVERSITY SQUARE INVESTORS, LLC, an Arizona limited liability company.

DOCUMENT NAME: [20070628cdcm02.pdf](#) COMMUNITY DEVELOPMENT/REDEVELOPMENT ADMIN (0403-01)

88. Approved RESOLUTION NO. 2007.52 authorizing the execution of **Contract #2005-145C**, the City of Tempe – Tempe Officers Association 2007-2009 Memorandum of Understanding (MOU).

DOCUMENT NAME: [20070628IAKJ01.pdf](#) POLICE – MEET & CONFER (0303-08-02)

89. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Approved RESOLUTION NO. 2007.53 authorizing the execution of **Contract #2005-144C**, the City of Tempe Firefighters Unit Memorandum of Understanding (MOU) July 1,

2007 – June 30, 2009.

Motion by Councilmember Arredondo for approval of Item #89. Second by Vice Mayor Hutson.

Mayor Hallman announced that if this item is approved, Council will be joined by the president of the union that is a signatory to the document, as well as the City Manager, to sign the agreement as the final act of the president of the organization to help bring our employee unions together in a way that has had a very positive impact on the City of Tempe.

Motion passed on a roll call vote, 7-0.

President Billy Shields and City Manager Will Manley joined Council to sign the contract.

DOCUMENT NAME: [20070628IAKJ02.pdf](#) FIRE – MEET & CONFER (0303-08-01)

90. Approved RESOLUTION NO. 2007.54 adopting plan to implement PM-10 dust control measures.

DOCUMENT NAME: [20070628cacc03.pdf](#) AIR POLLUTION
ADMINISTRATION (0604-01-02)

91. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved RESOLUTION NO. 2007.49 authorizing the execution of **Contract #2007-117**, a Development Agreement with Arizona Board of Regents for and on behalf of Arizona State University.

This item was considered with Item #70 and Item #71.

DOCUMENT NAME: [20070628cdcm03.pdf](#) COMMUNITY
DEVELOPMENT/REDEVELOPMENT ADMIN (0403-01)

92. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved RESOLUTION NO. 2007.55 requesting Wal-Mart Stores, Inc., reconsider the use of the current Mervyn's site on the northwest corner of Rural Road and Southern Avenue in Tempe as a Wal-Mart Supercenter and encouraging Wal-Mart to consider other more appropriate sites for its operations.

DOCUMENT NAME: [20070628cacc04.pdf](#) CITY ATTORNEY
ADMINISTRATION (0501-03)

Motion by Vice Mayor Hutson for approval of Item #92. Second by Councilmember Mitchell.

Councilmember Ellis suggested that the opportunity be given to anyone scheduled to speak regarding this issue.

Mayor asked for consensus to create a public hearing for this item.

Council agreed.

PUBLIC HEARING

Chris Rogers, Tempe, is a member of "Save Tempe", an organization of neighborhood association members opposed to Walmart at Southern and Rural. He thanked Council for their support. There are a large number of residents who are opposed. In consideration of Resolution 2007.55, he emphasized that the "Save Tempe" organization understands that the current Mervyn's building is zoned for retail business under the current law. In addition, under the passage of State Proposition 207, it will be legally difficult for Tempe to consider additional zoning restrictions on that site. While those points have been taken into consideration, this particular location for Walmart is inappropriate for the surrounding neighborhoods. He understands that Walmart has expressed interest in purchasing the adjacent building. He asked that Council consider amending the resolution to add not only the "lot" in the language, but also that the adjacent building be considered. He is not clear on the impact that a Walmart Super Center would have at that location, so aside from this resolution, he would ask Council to consider an impact study, both traffic and land use, at a later date.

Mayor Hallman asked for clarification that the stack of petitions has been submitted to Council.

Mr. Rogers responded that Mr. Crusa supplied the petitions to the councilmembers.

Matt Griffin, Tempe, stated that he lives in the neighborhood behind the Fry's store on Rural and Southern, and is Chair of the Meyer Park Neighborhood Association. They have over 2,000 signatures of neighbors in the area who are aware of the implications of putting a Walmart Super Center at this location. The public library, museum and multigenerational center are across the street, and have been a gemstone for Tempe. The area around this is single-family residences and that intersection averages 83,000 vehicles. There would also be a high impact of large commercial vehicles. He appreciates Council's support.

Councilmember Shekerjian supports the resolution. Regarding the signatures on the petitions, she noticed that the city of residence was not listed, but in looking at the zip codes, it appears many are not Tempe residents.

Mr. Rogers responded that some of the petitions were left at area coffee shops, so some of the signers may not have been Tempe residents. They had requested that all signers be residents, but some may not have been. Before the coffee shop petitions were submitted, however, there were at least 1500 Tempe resident signatures.

Councilmember Ellis asked Shelly Seyler, Traffic Engineer, about the traffic study. Many times when there is a zoning change requested, Council will require that the new tenant pay for a traffic study. In this case, there is no change in zoning, so is a traffic study going to be done or would one be done afterwards?

Shelly Seyler responded that unless a zoning process allowed staff to request that, a traffic study would not be conducted.

Mayor Hallman responded to the suggestion to improve the resolution wording in reference to the word “lot” in the line “the City of Tempe has been exploring the future use of the lot immediately west of the Mervyn’s site...” The 99¢ Store and the parking lot immediately to the west of it are all part of the same parcel.

Mayor Hallman entertained a amended motion to approval Item #92 with the amendment that the statement reads “...the City of Tempe has been exploring the use of the parcel immediately west of the Mervyn’s site...”

Motion by Vice Mayor Hutson for approval of Item #92 as amended. Second by Councilmember Mitchell. Motion passed on a roll call vote, 7-0.

6. PUBLIC APPEARANCES

SCHEDULED PUBLIC APPEARANCE

- DELETED
- Matt Griffin, Tempe, re: Commercial Development on NW corner of Rural/Southern (spoke at the public hearing for Item #92)
- Chris Rogers, Tempe, re: Commercial Development on NW corner of Rural/Southern (spoke at the public hearing for Item #92)
- Amandeep Sendhu, Tempe business owner, re: landlord dispute – did not speak.

UNSCHEDULED PUBLIC APPEARANCE

- Franco Moroni, Cave Creek, AZ. He is owner and manager of TMI Services. He spoke regarding Item #42, the contract award on Allison Transmission repairs. This is the second time his company has bid this contract, but Tempe has taken the highest and not the lowest bid price.

Mayor Hallman stated that the City has a procurement process to handle any appeals and claims. He referred Mr. Moroni to the City Manager.

- Ed Wilson, Tempe, was concerned about public safety in his neighborhood. He related that three times his street has been blocked by the Police Department, two times there have been SWAT teams within two blocks of his home, and two months ago two cars were broken into by a 13-year-old. Gangs are very active in the area and the parks are being used to recruit young people. We need lighting improvements in the neighborhood park.

Mayor Hallman suggested that he speak to Angel Carbajal to see what can be done.

- Bill Faint, Tempe, had a concern with deterioration of the same neighborhood and spoke of ways the City could work with his neighborhood to reverse the trend. There are dead trees, tall weeds, exposed landscape fabric, trash, too many cars parked at residences, excess occupancy. We need a nuisance inspector and enforcement of fines on landlords or occupants. Cases shouldn’t be closed until conditions improve. They need help with high crime. He is aware of three drug houses in his immediate area. He is concerned with lack of follow-through on searches and he asked for

immediate City action, such as increased patrol, especially on weekends, as well as improved lighting in the park and removal of basketball hoops. He further asked the Police to inform residents of crime and dangerous activities in the neighborhood. Cut-through traffic is also a problem.

Mayor Hallman directed Mr. Faint to Angel Carbajal.

- **Jim Lemmon, Tempe**, spoke on the Rotary River Rally, the oldest continuous water-based event on Tempe Town Lake. He thanked Council for their support and Skip Neeley for his help with pictures. This year's Rally was very successful with over 60 cardboard boats. The money raised goes to youth groups, as well as to Pappas School for the homeless children. The event also features technology, science and discovery. He presented the City Manager with a thank-you button.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Arredondo announced that in October Tempe High School will be celebrating its 100th year anniversary. The Council will be invited to the event, and he would ask for consideration of moving the Council meetings on October 18th to October 25th so that councilmembers can attend. He also encouraged residents to come to the 4th of July celebration.

Mayor Hallman asked that an item be added to the Issue Review Session on July 19th to discuss a Council fall calendar change.

- Councilmember Ellis announced that the 2007 TCC Don Carlos Humanitarian Award has been awarded to Linda Spears.
- Councilmember Shekerjian stated that about a month ago, Dick Foreman, a Tempe resident and past school board member, decided he would call together an opportunity for parents to discuss a proposal to be put on the ballot. The Redistricting State Commission has proposed two different proposals but would take input from a community group. A recommendation has been developed to suggest going from three school districts to one district with a list of core principles, which are essentially requirements for this group to support a proposal. Council had taken a stand not to divide the community and Mr. Foreman will be writing that recommendation.

Meeting adjourned at 10:30 p.m.

I, Jan Hort, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of June 28, 2007, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2007.